HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.211 OF 2006

PETITIONER Avaj Kumar Dewangan S/o Shri Fulsingh, age about 30 years President Durga & Dashara Utsav Samiti, R/o Birgaon, Tah. & Distt. Raipur (C.G.)

versus

RESPONDENTS

1. State of Chhattisgarh Through – Secretary Ministry of Urban Development D.K.S. Bhawan, Raipur (C.G.)
2. District Collector, District Raipur (C.G.)
3. Chief Municipal Officer Municipal Council Birgaon Tah & Distt. – Raipur (C.G.)
4. Chairmen Municipal Council Birgaon Tah & Distt. – Raipur (C.G.)

Present : Mr. S.K. Dadsena, learned counsel for the petitioner.
Mr. Sanjay S. Agrawal, learned Govt. Adv., for the State of Chhattisgarh.

ORAL ORDER
(Passed on 17th January, 2006)

The petitioner is a resident of Birgaon village in Raipur Taluka and District. It is stated that the petitioner is the President of Durga & Dashara Utsav Samiti, Birgaon. Complaining that an area called Budhwari Bazar is the area meant for use by the public at large, but, the Municipal Council, Birgaon has proposed to construct a commercial complex in the said area has field this writ petition seeking intervention of the Court.

(2) Heard learned counsel for the petitioner and perused the petition averments. The petitioner in the first place has not produced any proof to show that Budhwari Bazar is the public utility area. Although in para 6.3 of the writ petition, it is stated that under Section 282 of the Chhattisgarh Municipalities Act, 1961, the State Government may by notification reserve an area as public utility area, there is nothing to show that the area in Budhwari Bazar is notified to be a public utility area by the Government of Chhattisgarh by issuing notification under Section 282 of the Act. If the petitioner has failed to substantiate his claim that the area in Budhwari Bazar is public utility area, it cannot be said that the impugned action of the Municipal Council, Birgaon to construct commercial complex in their land is illegal. There is no merit in this writ petition and it is accordingly dismissed, however, with no order as to costs.

Sd/-
The Chief Justice